

**From:** Jerry Kreps  
**To:** Microsoft ATR  
**Date:** 1/6/02 10:53am  
**Subject:** Internet will become Microsoft's pesonal property

An additional comment:

The Internet became practical when a CERN researcher developed the HTTP protocol and put it into the public domain. Had he patented it instead, the HTTP protocol would have joined the numerous other networking protocols that languished. The others were languishing because they were controlled by patents. Folks were not interested in paying a fee to be able to use a network that they already owned by virtue of the taxes they paid which allowed our government to develop the precursor to the internet.

HOWEVER, THE INTERNET IS STILL NOT SAFE FROM CAPTURE by greedy corporations that have no repsect for the law, i.e., Microsoft.

Protecting a protocol, so-called 'intellectual property', as apposed to a tangible invention, with patents will absolutely kill it dead, as the numerous but unused networking protocols prove. A patented protocol gives the holder of the protocol absolute power of monopoly over the users/adopters of that protocol backed by the law. The patent holder can charge whatever he likes and can blackmail or put anybody using it out business if he likes - you can't reverse engineer it and you can't code around it. Very few companies will willingly choose such an option.

It was this patenting madness, motivated by greed, which stifled the development of the Unix operating system, and it's desktop, the CDE. These events allowed a new software company, which relied heavily on OPEN SOURCE software made available to the public domain by the Regents of the University of California, to take advantage of the greed gridlock and develop a product called 'Windows'. Even today, Microsoft borrows heavily from the Open Source community, without returning anything of value, to extend the functionality of its software at little expense to itself. With clever marketing, aided by illegal contracts and business practices, Microsoft was able to develop something the Unix companies couldn't, a monopoly. In the early days, purchasers of Windows could move their copy of Windows from an old machine, which they were selling or discarding, to their new machine. Or, if they had two machines they could use a single copy of Windows on both machines. Or, they could sell the PC and the Windows on it, to another person. Or, they could give the PC and Windows to a charity. When Microsoft became secure in its monopoly position it changed the lease to FORCE users to purchase a NEW copy of Windows if they bought a new machine. or purchased a used one. They forced OEM's to sell a copy of Windows with each PC they sold,

EVEN IF THE CUSTOMER DIDN'T WANT IT, a blatant violation of the Sherman - Clayton Anti-Trust act, and one so obvious it is amazing that the DOJ never bothered to enforce the Act against Microsoft, but chose a lame 'bundling' issue instead. HAD THE DOJ DONE ITS JOB the monopoly would not have existed and consumers would have had other Operating System options which would have allowed them to avoid the "Microsoft Tax".

The only company that can benefit from software patents is one which already has a monopoly eg. Microsoft. In this case a protocol such as .Net can be forced onto users, developers and deployers by virtue of Microsoft's desktop monopoly, and this monopoly can be extended to servers and Internet by using software patents to exercise monopoly control over everyone who talks to any desktop, include Linux KDE desktops, all servers and the Internet itself.

This is Microsoft's big plan for the future.

This sham settlement will assure the success of Bill Gate's 'dream', which will become our nightmare. The Internet will be divided into two camps, one controlled by Microsoft, and the other controlled by tyrannical governments. The hard part will be trying to tell the difference. Doubt this? Then consider that in a blatant attempt to control and/or manipulate the political climate Microsoft has unilaterally removed certain politically incorrect words from the Microsoft Office Dictionary. Or, consider that Microsoft released an 'upgrade' to Internet Explorer (their browser) which automatically rewrote web pages on the fly, inserting Microsoft URLs and ad banners, without the permission of the site creators. You are a third party and have a site selling a software application that competes with one of Microsoft's software products. When visitors display your website ads for Microsoft's product appear on/over your own product on your own site. Such is the power of a monopoly.

What's next? Releasing an 'upgrade' to Microsoft Money that certain stocks from being added to a portfolio? Controlling online political discussions or contents of emails?

Communist governments control their citizens directly by decree. Fascist governments control the cartels which control the citizens. The difference is cosmetic. Your sham settlement will allow an uncontrolled cartel, Microsoft, to control public discourse and commerce on the Internet by giving ownership of the Internet to Microsoft, lock, stock and barrel, via its ".NET" protocols.

Jerry Kreps